

ESTTA Tracking number: **ESTTA728474**

Filing date: **02/22/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	B. Braun Melsungen AG		
Entity	Joint Stock Company	Citizenship	Germany
Address	Carl-Braun-StraBe 1 Melsungen, D-34212 GERMANY		

Attorney information	Paul J. Kennedy Pepper Hamilton 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103 UNITED STATES kennedyp@pepperlaw.com, maddoxd@pepperlaw.com, catalant@pepperlaw.com Phone:215.981.4194
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Registration Subject to Cancellation

Registration No	2628468	Registration date	10/01/2002
Registrant	Span-America Medical Systems, Inc. P. O. Box 5231 Greenville, SC 29606 UNITED STATES		

Goods/Services Subject to Cancellation

Class 010. First Use: 1998/11/01 First Use In Commerce: 1998/11/01 All goods and services in the class are cancelled, namely: catheters
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	02-22-2016 Petition for Cancellation (SECURE I.V.).pdf(193451 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Paul J. Kennedy/
Name	Paul J. Kennedy
Date	02/22/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

B. BRAUN MELSUNGEN AG

Petitioner

v.

**SPAN-AMERICA MEDICAL
SYSTEMS, INC.**

Respondent

:
: **Cancellation No.**
:
:
: **Mark: SECURE I.V.**
:
:
: **Registration No.: 2628468**
:
:
:
:

PETITION FOR CANCELLATION

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir/Madam:

B. Braun Melsungen AG, a joint stock company, located in the country of Germany, with offices at Carl-Braun-Straße 1, Melsungen, Germany (“Petitioner”), believes it will be damaged by the trademark registration issued to Span-America Medical Systems, Inc., a South Carolina corporation, with an address stated as P.O. Box 5231, 70 Commerce Center, Greenville, South Carolina 29606 (“Respondent”), for the mark SECURE I.V. (Registration No. 2628468) (“Respondent’s Mark”) in International Class 10 and hereby seeks to cancel Respondent’s Mark.

As grounds for the Cancellation, Petitioner alleges that:

1. On October 1, 2002, Respondent was issued Registration No. 2628468 for the mark SECURE I.V. for “catheters” in International Class 10.

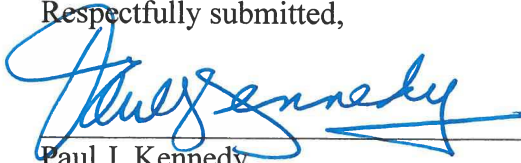
2. On October 13, 2014, Petitioner filed applications for trademark registration for the marks ASKINA SECURE IV (Serial No. 86/422009) and SECURE IV (Serial No. 86/422032) for “plasters; materials for dressings; transparent dressings; fixed adhesive bandages; wound dressings and covers; gauze and cellulose products for dressing wounds” in International Class 5, and “devices or pumps for generating vacuum, equipped with a regulation unit and intended for topical negative pressure wound therapy; accessories for use together with these devices or pumps, in particular adapters, tubings and single use fluid storage containers; bandages for orthopedic use” in International Class 10 (the “Applications”).

3. In response to the filing of the Applications, the United States Patent and Trademark Office (“USPTO”) issued Final Office Actions for International Class 10 only refusing registration under Section 2(d) because of a possible likelihood of confusion with Respondent’s Mark.

4. Petitioner disagrees with the Examining Attorney’s position set forth in the Office Actions. However, upon information and belief, Respondent has abandoned use of the trademark SECURE I.V. and, thus, the Respondent’s Mark must be cancelled as abandoned.

Accordingly, Petitioner requests that registration of Respondent's Mark (Registration No. 2628468) be cancelled and this Petition for Cancellation be sustained.

Respectfully submitted,



DATE: February 22, 2016

Paul J. Kennedy
Sean P. McConnell
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*Attorneys for Petitioner,
B. Braun Melsungen AG*

CERTIFICATE OF SERVICE

I, Paul J. Kennedy, hereby certify that on February 22, 2016, a true and correct copy of the foregoing Petition for Cancellation was served via U.S. First Class Mail, postage prepaid, upon the following:

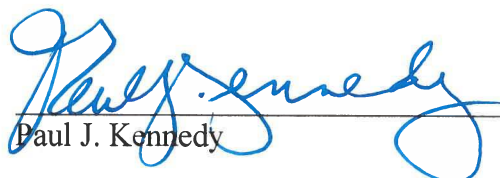
Span-America Medical Systems, Inc.
P.O. Box 5231
70 Commerce Center
Greenville, SC 29606

Respondent

-and-

Robert W. Young, Esquire
Quarles & Brady LLP
300 North LaSalle Street, Suite 4000
Chicago, IL 60654

Attorneys for Respondent



Paul J. Kennedy